Supreme Court, U.S.
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In The
Supreme Court of the United States

LEE CALEY, *et al.*,

Petitioners,

v.

GULFSTREAM AEROSPACE CORPORATION, *et al.*,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Must a waiver of the procedural rights available in actions to enforce the Fair Labor Standards Act, the Age Discrimination in Employment Act, the Employee Retirement Income Security Act and Title VII of the 1964 Civil Rights Act, including the right to trial by jury, be demonstrably knowing and voluntary?

PARTIES

The named petitioners are Lee Caley, Steve Bacon, John Baker, William Etzel, Marlon Green, Dianne Jackson, Willie Mae Stewart, Robert Vouk and Stanley Walker. The named petitioners brought two actions, consolidated in the district court, on behalf of two distinct classes composed of several hundred current and former employees of the Gulfstream Aerospace Corporation in Savannah, Georgia.

The defendants are the Gulfstream Aerospace Corporation and the General Dynamics Corporation.

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PETITION FOR A WRIT OF CERTIORARI

Petitioners Lee Caley, et al., respectfully pray that this Court grant a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Eleventh Circuit entered on October 31, 2005.

OPINIONS BELOW

The October 31, 2005, opinion of the court of appeals, which is reported at 428 F.3d 1359 (11th Cir. 2005), is set out at pp. 1-34 of the Appendix. The August 24, 2004, order of the district court, which is reported at 333 F. Supp. 2d 1367, is set out at pp. 35-54 of the Appendix.

STATEMENT OF JURISDICTION

The decision of the court of appeals was entered on October 31, 2005. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional and statutory provisions involved are set forth in the Appendix to this brief.

STATEMENT OF THE CASE

This case arises out of efforts by the Gulfstream Aerospace Corporation to bring an end to lawsuits by its workers under federal employment (and other) statutes, and to replace those lawsuits in certain circumstances with mandatory arbitration under terms fixed and controlled by